




TO: Workforce Investment Board Chairpersons
Workforce Investment Board Director
Regional Workforce Board Chairpersons
Regional Operators
Regional Coordinators

FROM: Andrew J. Penca 
Commissioner

DATE: February 2, 2007

SUBJECT: DWD Policy 2006-17, Change 1
Eligibility Policy for Adult, Dislocated Worker, and Youth
Workforce Investment Act and Trade Adjustment Assistance Act Activities

Purpose

To announce two revisions to DWD Policy 2006-17, "Eligibility Policy for Adult, Dislocated Worker, and Youth Workforce Investment Act and Trade Adjustment Assistance Act Activities"

Rescission

N/A.

Content

The Indiana Department of Workforce Development is revising two items to DWD Policy 2006-17, "Eligibility Policy for Adult, Dislocated Worker, and Youth Workforce Investment Act and Trade Adjustment Assistance Activities." The two revisions are provided:

- Section IV., "Eligibility Requirements for Core – Self-Service and Informational Services." The wording is revised. (Page 7)
- "Inclusions and Exclusions for Determining Family Income" Regular payments from Old-Age, Survivors, and Disability Insurance (OASI) benefits receiving under Section 202 of the Social Security Act are excluded when determining income for Workforce Investment Act eligibility. (Attachment 1)

Starting Date

Immediately

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An Economic Development Partner

Ending Date
June 30, 2008

Action
Local administrators are requested to share the guidance contained in this policy.

Contact Persons

Workforce Investment Act

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Workforce Investment Act/Trade Adjustment Assistance Act

Workforce Investment Act

- I. Eligibility Criteria for Adults:** to be an eligible adult under Title I of the Workforce Investment Act, an individual must meet the following criteria:
- A. Be 18 years of age or over [Section 101(a)];
 - B. If a male between the ages of 18 to 26, must show compliance with Selective Service legislation by providing documents to demonstrate compliance with Selective Service registration [WIA Section 189(h)]; and
 - C. Comply with citizenship and eligibility to work requirements by providing documents necessary to validate the same [WIA Section 188(a)].
- II. Eligibility Criteria for Dislocated Workers:** to be an eligible dislocated worker under Title I of the Workforce Investment Act, in addition to meeting the requirements listed above for eligible adults, an individual must meet any one of the four following categories of eligibility (A through D) [WIA Section 101(9)]:
- A. 1. An individual who has been terminated or laid off, or who has received a notice of termination or layoff, from employment; and
 - 2. Is eligible for or has exhausted entitlement to unemployment compensation; or
 - Has been employed for a duration sufficient to demonstrate, to the appropriate entity at a WorkOne Center, attachment to the workforce but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a state unemployment compensation law; and
 - 3. Is unlikely to return to a previous industry or occupation;

Each workforce investment board or regional workforce board will establish a local policy to determine "unlikely to return to a previous industry or occupation." For example, a local policy may include allowances for declining industries or occupations, or it may take into consideration obsolete individual skills in a demand occupation or industry that could preclude an individual from being competitive or finding reemployment in the current occupation without the upgrading of skills. The determination will be part of the individual's electronic case management file in TrackOne. [Indiana guidance]

- B. 1. An individual who has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise¹ or
2. Is employed at a facility where the employer has made a general announcement that such facility will close within 180 days²; or
3. For purposes of eligibility to receive services other than training services described in Section 134(d)(4)(A), intensive services described in Section 134(D)(3), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close; or

Indiana has defined public announcement of a plant closure as a statement or announcement of closure by an authorized official of the company or employer.

Indiana has defined "substantial layoff" as: any reduction-in-force that is not the result of a plant closing and that results in an employment loss at a single site of employment during any 30-day period for at least 25 employees (excluding employees regularly working less than 20 hours per week). [Indiana guidance] The definition of "substantial layoff" was lowered from 50 employees down to 25 employees at local request to broaden the number of people eligible to be served. Also, the revised definition now includes individuals working for small companies. This guidance is provided for eligibility purposes only and does not affect how state rapid response will respond to Worker Adjustment and Retraining Notices (WARN) involving 50 or more workers; [Indiana guidance]

- C. An individual who was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of:
- a. Natural disasters; or
 - b. General economic conditions in the community where the individual resides.

The workforce investment board or regional workforce board must establish policies to define self-employed individuals who are now unemployed or are in the process of going out-of-business due to general economic conditions. Self-employed individuals include farmers, ranchers, fishermen, professionals, independent trade people, and other formerly self-employed individuals; [Indiana guidance]

¹ The Workforce Investment Act defines a dislocated worker in a way that permits formula funds to be used for core, intensive and training services for workers: 1) as soon as the person gets a layoff notice; or 2) six months (180 days) prior to layoff if employed at a facility that has made a general announcement that it will close within 180 days [20 CFR Section 101(9)(B)(ii)].

² The footnote is the same as above.

Family members (including spouse and adult children), farm or ranch hands of self-employed individuals may also qualify as dislocated workers to the extent that their contributions to the farm, ranch, or enterprises meet the requirements in a policy established by the workforce investment board or regional workforce board; [Indiana guidance]

In determining "whether a business is likely to go out of business" and "general economic conditions," a workforce investment board's or regional workforce board's policy may take into consideration declining industries, current income compared with the previous year's income as a result in demand for products or other circumstances, bank actions against a business, and natural disasters, etc. [Indiana guidance]

Natural disasters may include, but are not limited to, any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, fire, tsunami, earthquake, volcanic eruptions, landslide, mudslide, drought, or explosion. [Indiana guidance]

- D. An individual who is a displaced homemaker.
"Displaced homemaker" means an individual who has been providing unpaid services to family members in the home and who [WIA Section 101(10)]:
- a. has been dependent on the income of another family member but is no longer supported by that income; and
 - b. is unemployed or underemployed and is experiencing difficulty upgrading or obtaining employment.

Note: The definition of displaced homemaker includes only those individuals who were dependent on a family member's income. Those individuals who have been dependent on public assistance may be served in the adult program [20 CFR Part 663.120(c)].

Other factors in determining eligibility for dislocated workers:

Retirement issues: dislocated workers do not include workers who are likely to remain with the layoff employer, or who are likely to retire and leave the labor market. However, a worker who is eligible for retirement benefits due to tenure with an employer but who will remain in the labor force may be eligible. Further, a determination of whether an individual is likely to be recalled will be based upon the best available information from the worker and the employer at the time the layoff notice or closure is received. [Indiana guidance]

Look-back period: To establish the previous occupation for people who may have accepted "stop-gap" employment; Indiana will use a look-back period of five years. The predominant occupation during that time or the occupation of initial dislocation may be considered the previous occupation. [Indiana guidance]

III. Eligibility Criteria for Youth: to be an eligible youth under Title I of the Workforce Investment Act, an individual must meet the eligibility criteria listed below in A and D or the criteria listed in A, B and C. In addition, all individuals must meet the eligibility criteria listed above for Adults in Section I.B. and C:

- A. An individual who is not less than age 14 and not more than age 21 [WIA Section 101(13)];
- B. Is a low-income individual:
An individual who is a "low-income" individual is defined as an individual who:
 - 1. Receives, or is a member of a family that receives, cash payments under a federal, state or local income-based public assistance program;
 - 2. Received an income, or is a member of a family that received a total family income, for the 6-month period prior to application, for the program involved (exclusive of unemployment compensation, child support payments, payments described in 1, and old-age and survivors insurance benefits received under Section 202 of the Social Security Act (42 USC 402) that, in relation to family size, does not exceed the higher of
 - (a) the poverty line, for an equivalent period; or
 - (b) 70 percent of the lower living standard income level, for an equivalent period;
 - 3. Is a member of a household that receives (or has been determined within the 6-month period prior to application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977 (7 USC 2011 et seq.);
 - 4. Qualifies as a homeless individual, as defined in subsections (a) and (c) of Section 103 of the Stewart B. McKinney Homeless Assistance Act (42 USC 11302);
 - 5. Is a foster child on behalf of whom state or local government payments are made; or
 - 6. In cases permitted by regulations promulgated by the Secretary of Labor, is an individual with a disability whose own income meets the requirements of a program described in 1 or 2, but who is a member of a family whose income does not meet such requirements [WIA Section 101(25)]; and
- C. Is an individual who is one or more of the following:
 - 1. Deficient in basic literacy skills;
 - 2. A school dropout;
 - 3. Homeless, a runaway, or a foster child;
 - 4. Pregnant or a parent;
 - 5. An offender; or/and
 - 6. An individual who requires additional assistance to complete an educational program, or to secure and hold employment [WIA Section 101(13)].

- D. Not more than five (5) percent of participants assisted under this section in each local area may be individuals who do not meet the minimum income criteria to be considered eligible youth, if such individuals are within one or more of the following categories:
1. Individuals who are school dropouts;
 2. Individuals who are basic skills deficient;
 3. Individuals with educational attainment that is one or more grade levels below the grade level appropriate to the age of the individuals;
 4. Individuals who are pregnant or parenting;
 5. Individuals with disabilities, including learning disabilities;
 6. Individuals who are homeless or runaway youth;
 7. Individuals who are offenders; and/or
 8. Other eligible youth who face serious barriers to employment as identified by the local board [WIA Section 129(c)(5)]. [DWD guidance – locally defined]

IV. Eligibility Requirements for Core – Self-Service and Informational Services

Core services are universally available to all adults and dislocated workers. Follow-up services are a core service and are to be made available to those adults and dislocated workers who entered unsubsidized employment because of services received through the Workforce Investment Act.

V. Eligibility Requirements for Significant Staff Involvement Services (Intensive Tier Services)

- A. To be eligible for Significant Staff Involvement Services (Intensive Tier Services), employed or unemployed adults or dislocated workers must meet one of the two following eligibility categories [WIA Section 134(d)(3)(A)] [20 CFR Part 663.220]:
1. Be unemployed, and
 2. Have received at least one core service and are unable to obtain employment through core services; and
 3. Are determined through policy set by the WorkOne operator to be in need of more intensive services to obtain employment.

Or

1. Be employed, and
2. Have received at least one core service; and
3. Are determined through policy set by the WorkOne operator to be in need of intensive services to obtain or retain employment that leads to self-sufficiency as determined by the local board.

Self-Sufficiency Criteria:

The criteria must, at a minimum, define self-sufficiency as employment that pays at least the lower living standard income level (LLSIL) according to the most recent definition published by the Department of Labor [WIA Section 101(24)] [20 CFR Part 663.230]. *The Department of Workforce Development encourages boards to not define self-sufficiency at just the lower living standard income level which is still poverty. We encourage boards to define self-sufficiency at what it really is for the local area. Areas must consider their definition of self-sufficiency and any local priority ranking system in determining whom to register. When setting the definition, the Department of Workforce Development suggests establishing levels that will help meet the negotiated levels of performance for adults and dislocated workers.*

Self-sufficiency for dislocated workers may be defined differently than self-sufficiency for the adult population. It may be defined in relation to a percentage of the layoff wage [20 CFR Part 663.230] (i.e., replacing the layoff wage or being a reasonable percentage of it), *if the layoff wage paid at least the lower living standard income level. [Indiana guidance] This also applies to eligible dislocated workers who found interim employment. They are also considered employed workers. [Indiana guidance];*

The special needs of individuals with disabilities or other barriers to employment should be taken into account when setting criteria to determine self-sufficiency [20 CFR Part 663.230].

B. Local Priority System

Additionally, for individuals whose intensive services are provided through the adult funding stream:

Should the workforce investment board or regional workforce board determine that funding for intensive services for adults is limited, eligibility should be determined in accordance with the state or local priority system, if any, that is in effect. If such funding is limited, the Workforce Investment Act indicates priority be given to recipients of public assistance and other low-income individuals.

The Department of Workforce Development will not be providing guidance on making such determinations related to priority; therefore, workforce investment boards or regional workforce boards will need to provide guidance on the criteria by which local areas can determine the availability of funds and the process by which any priority will be applied. Such criteria may include the availability of other funds for providing employment and training-related services in the local area, the needs of the specific groups within the local area, and other appropriate factors.

The process for determining whether to apply the local priority system does not necessarily mean that only the recipients of public assistance and other low income individuals may receive Workforce Investment Act adult funded intensive services when funds are determined to be limited in a local area. The workforce investment board or regional workforce board may establish a process that gives priority for services to the recipients of public assistance and other low income individuals and that also serves other individuals meeting eligibility requirements [WIA Section 134(d)(4)(A)] [20 CFR Part 663.600].

C. Participant reporting purposes into TrackOne

- When all the work history and application screens are completed, a registration into TrackOne has occurred.
- Enter the first significant staff involved service provided.
- Enter case notes.

VI. Further Eligibility Requirements for Significant Staff Involvement Training Services

A. To be eligible for Significant Staff Involvement Training Services, employed or unemployed adults or dislocated workers must meet all of the following eligibility categories [WIA Section 134(d)(3)][20 CFR Part 663.310]:

1. Have met the eligibility requirements for intensive services;
2. Have received at least one intensive service;
3. Have been determined to be unable to obtain or retain employment through such services;
4. After an interview, evaluation, or assessment, and case management, have been determined by the Regional Operator or WorkOne partner, to be in need of training services and to have the skills and qualifications to successfully complete the selected training program;
5. Select a program of training services that is directly linked to the employment opportunities either in the local area or in another area to which the individual is willing to relocate; and
6. Are unable to obtain grant assistance from other sources to pay the costs of such training, including such sources as Welfare-to-Work, state-funded training funds, Trade Adjustment Assistance and Federal Pell Grants established under Title IV of the Higher Education Act of 1965, or require Workforce Investment Act assistance in addition to other sources of grant assistance, including Federal Pell Grants (provisions relating to fund coordination are found at 20 CFR 663.320 and Workforce Investment Act Section 134(d)(4)(B)) [20 CFR Part 663.310].

B. Local Priority System

Additionally, for individuals whose training services are provided through the adult funding stream, the following guidance is provided:

Should the workforce investment board or regional workforce board determine that funding for training services for adults is limited, eligibility should be determined in accordance with the state or local priority system, if any, that is in effect. If such funding is limited, the Workforce Investment Act indicates priority be given to recipients of public assistance and other low-income individuals.

The Department of Workforce Development will not be providing guidance on making such determinations related to priority; therefore, workforce investment boards or regional workforce boards will need to provide guidance on the criteria by which local areas can determine the availability of funds and the process by which any priority will be applied. Such criteria may include the availability of other funds for providing employment and training-related services in the local area, the needs of the specific groups within the local area, and other appropriate factors.

The process for determining whether to apply the local priority system does not necessarily mean that only the recipients of public assistance and other low income individuals may receive Workforce Investment Act adult funded training services when funds are determined to be limited in a local area. The workforce investment board or regional workforce board may establish a process that gives priority for services to the recipients of public assistance and other low income individuals and that also serves other individuals meeting eligibility requirements [WIA Section 134(d)(4)(A)] [20 CFR Part 663.600].

VII. Trade Adjustment Assistance Act

The Trade Adjustment Assistance (TAA) program provides services and benefits to workers who have lost their jobs due to foreign imports or the loss of products and production lines to foreign countries. Companies, unions or workers petition the Department of Labor for certification. Once certified, all benefits are provided by states through their workforce development systems.

There are five benefits of TAA: 1) job search allowance; 2) relocation allowance, 3) training; 4) Trade Readjustment Allowance (TRA); and, 5) Health Coverage Tax Credit. A separate TAA program, Alternative Trade Adjustment Assistance (ATAA) for older workers, is explained below.

Any worker who is laid off due to lack of work from a Trade Adjustment Assistance company is entitled to apply for and receive Trade Adjustment Assistance benefits. Each benefit has specific eligibility criteria and deadlines that must be met. Workers must apply for and qualify for each benefit individually

Trade Adjustment Assistance (TAA) eligibility: A worker is eligible to apply for training, job search and relocation assistance if s/he has worked at least one day in adversely affected employment and been laid off due to lack of work within the timelines of the certification. The criteria for each benefit are as follows:

- A. **Training:** Workers must meet the six criteria outlined in 20 CFR Part 617.22. These criteria establish the worker's need and suitability for training, as well as ensuring the training is for an occupation in demand.
- B. **Job Search:** A worker must document that no suitable employment is available in his/her commuting area and that there is a reasonable expectation of obtaining suitable work of long time duration in the area where the job search will be conducted.
- C. **Relocation:** A worker must document that no suitable employment is available in his/her commuting area and that s/he has obtained suitable work of long time duration in the area of intended relocation.
- D. **Trade Readjustment Allowances (TRA):** Trade Readjustment Allowance is a cash benefit that follows unemployment insurance. Workers in Trade Adjustment Assistance-approved training may receive income support up to 78 weeks (104 in the case of remedial needs) while attending a Trade Adjustment Assistance-approved training program. In order to receive Trade Readjustment Allowances, workers must meet the following criteria:
 - 1. Be an adversely affected worker under a Trade certification.
 - 2. Be laid off due to lack of work in the adversely affected employment.
 - 3. Be eligible to receive and have exhausted unemployment insurance (UI) benefits.
 - 4. Have worked at least 26 weeks at wages of \$30 or more in the 52-week period prior to the first separation after the impact date from the same trade-affected employer. Special conditions apply to workers who have been on personal leaves of absence, sick leave, military duty, and workers' compensation during the 52-week period.
 - 5. Be enrolled in an approved training program or waived from the training requirement within eight (8) weeks of certification or 16 weeks of layoff.
 - a. In order to receive additional Trade Readjustment Allowances, the worker must make a bona fide application for training within the later of 210 days from layoff or certification.
 - b. In order to receive remedial Trade Readjustment Allowances, the worker must take remedial classes as part of the approved training plan.

Alternative Trade Adjustment Assistance (ATAA or Alternative Trade for Older Workers): The Alternative Trade program assists trade eligible workers (age 50 and older) for whom retraining may not be appropriate and who find reemployment, to receive supplemental payments to help bridge the salary gap between their old and new employment. The wage subsidy is half the difference between the old wage and new wage.

The Department of Labor certifies or denies a workforce for Alternative Trade Adjustment Assistance in the same manner it certifies or denies for Trade Adjustment Assistance. If a workforce is certified for Alternative Trade Adjustment Assistance, workers must meet the following criteria:

- A. At least age 50 at the time of reemployment.
- B. Reemployed by the last day of the 26th week after the qualifying separation for the Trade Adjustment Assistance/Alternative Trade Adjustment Assistance-certified employment.
- C. Reemployment wages are less than \$50,000 annually in **gross** wages (excluding overtime).
- D. Reemployed full time as defined by the employer, but not less than 35 hours per week. Two or more part-time jobs may be used to meet the full time hour requirement; however, the combined wages from the jobs cannot exceed \$50,000 in annualized wages.
- E. The new employer must be a “covered” employer that pays unemployment insurance taxes on behalf of its employees.
- F. The work cannot be for the separating employer – not at the same division or facility, or in similar work in a different division or facility of the same employer.

Health Coverage Tax Credit (HCTC): The Health Coverage Tax Credit is a tax credit of 65% of a qualified insurance premium for workers who are receiving Trade Readjustment Allowances and Alternative Trade Adjustment Assistance payments. A worker drawing unemployment insurance may be eligible for the Health Coverage Tax Credit if they would be receiving Trade Readjustment Allowances if their unemployment compensation was exhausted. The credit can be an advance payment directly to the insurance company, or a tax credit taken at the end of the year. Workers must establish and maintain eligibility for, as well as draw benefits (Unemployment Insurance, Trade Readjustment Allowances, or Alternative Trade Adjustment Assistance) at least one day in a month to be qualified for that month.

VIII. Registration and Documentation

Workforce Investment Act – Adults and Dislocated Workers

- A. For all adults and dislocated workers receiving core - self-service and information activities, the following demographic information is collected into TrackOne: last name, first name, social security number, employment status, and veteran status. The information is collected to only determine the number of individuals who have accessed our system – no registration is created. The core services provided, though, need to be reported.

- B. Registration is the process for collecting information to support a determination of eligibility for Workforce Investment Act significant staff involvement services [20 CFR Part 663.105]. A registration into TrackOne is created when an adult or dislocated worker receives their first significant staff involved service. To create a registration, all work history and application screens need to be completed. The registration information may be collected using any of the following methods:
- Electronic data transfer;
 - Personal interview; or
 - Individual application [20 CFR Part 663.105].
- C. All information required by federal, state, and local reporting requirements must be collected for all Workforce Investment Act services except core – self-service and informational services. Local policy may require additional documentation requirements. Minimal documentation required includes at least one form of acceptable documentation per applicable eligibility criteria as attached. Another state agency's documentation may be considered acceptable documentation if used to verify the same eligibility criteria as the Workforce Investment Act. Additionally, alternative documentation may be acceptable if verified first by the Center of Excellence unit.
- D. Equal Opportunity Data must be collected on every individual who is interested in being considered for Workforce Investment Act Title I financially assisted aid, benefits, services, or training by a recipient, and who has signified that interest by submitting personal information in response to a request from the recipient [20 CFR Part 663.105(c)].
- E. Equal Opportunity Data are race/ethnicity, sex, age, and where known, disability status [20 CFR Part 37.37(b)]. Where designation of individuals by race or ethnicity is required, the guidelines of the Office of Management and Budget must be used [20 CFR 37.37(d)]; i.e., American Indian or Alaskan Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, and White. Categories of ethnicity include: Hispanic or Latino; Not Hispanic or Latino; and a combination of two ethnic groups.
- F. An adult or dislocated worker is considered registered for Workforce Investment Act significant staff involvement services upon completion of the application and work history screens in TrackOne. Screens that do not contain all the information requested are considered "incomplete" and thus do not connote the same record retention requirements as complete screens.

Please refer to 29 CFR Part 37 for complete information concerning the implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act. Questions may be addressed to Teresa Voors, Chief Legal Counsel, at 317/232-3268 or Joyce Howard, Equal Opportunity/Affirmative Action Officer, at 317/232-7484.

Workforce Investment Act – Youth

- A. Registration is the process for collecting information to support a determination of eligibility for Workforce Investment Act significant staff involvement services [20 CFR Part 664.215]. The registration information for youth may be collected using any of the following methods:

- Electronic data transfer;
- Personal interview; or
- Individual application. [State guidance]

The Department of Workforce Development interprets “collecting information to support a determination of eligibility” to be part of the registration process.

- B. All information required by federal, state, and local reporting requirements must be collected for each youth. Local policy may require additional documentation requirements. Minimal documentation required includes at least one form of acceptable documentation per applicable eligibility criteria as attached. Another state agency’s documentation may be considered acceptable documentation if used to verify the same eligibility criteria as the Workforce Investment Act. Additionally, alternative documentation may be acceptable if verified first by the Center of Excellence unit.
- C. Equal Opportunity Data must be collected on every youth who is interested in being considered for Workforce Investment Act Title I financially assisted aid, benefits, services, or training by a recipient, and who has signified that interest by submitting personal information in response to a request from the recipient [20 CFR Part 663.105(c)].
- D. Equal Opportunity Data are race/ethnicity, sex, age, and where known, disability status [20 CFR Part 37.37(b)]. Where designation of individuals by race or ethnicity is required, the guidelines of the Office of Management and Budget must be used [20 CFR 37.37(d)]; i.e., American Indian or Alaskan Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, and White. Categories of ethnicity include: Hispanic or Latino; Not Hispanic or Latino; and a combination of two ethnic groups.
- E. A youth is considered registered for Workforce Investment Act significant staff involvement services upon completion of the application and work history screens in TrackOne. Screens that do not contain all the information requested are considered “incomplete” and thus do not have the same record retention requirements as complete screens.

Please refer to 29 CFR Part 37 for complete information concerning the implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act. Questions may be addressed to Teresa Voors, Chief Legal Counsel, at 317/232-3268 or Joyce Howard, Equal Opportunity/Affirmative Action Officer, at 317/232-7484.

Trade Adjustment Assistance

Eligibility for trade services is documented by:

1. Lists of adversely affected workers obtained from employers, and
2. Trade Readjustment Allowance forms completed by the separating employer.

IX. Miscellaneous

A. I-9 Form

Indiana will accept the same documentation process which the Immigration & Naturalization Service (INS) accepts to complete the Form "I-9" for citizenship/eligibility to work in the United States although local areas are not to use the Immigration & Naturalization Service Form I-9 to verify citizenship/ability to work in the United States for employers. [Indiana Guidance] However, in order to accept the same documentation as accepted by the Immigration & Naturalization Service, each local area must produce a form which is signed by the applicant that attests under penalty of perjury that the applicant is who they say they are and that they have a right to work in the United States. In addition, the staff person must attest that they examined the documents presented by the above applicant and that the documents appear to be genuine and relate to the applicant named, and the applicant, to the best of the staff person's knowledge, is eligible to work in the United States. The staff person must indicate the forms which were examined (although no copies need to be kept). The list of acceptable documents is the same as for the Immigration & Naturalization Service Form I-9.

Should the client become employed by the workforce investment board or regional workforce board or the enrolling organization (such as in a work experience), the client must complete an I-9 and a copy kept in the file. Such an I-9 must be completed within three (3) days from the date of hire (3 days before or 3 days after).

B. Residency Criteria for Enrollment

1. Core services will be universally available to all adults and dislocated workers regardless of residency.
2. Workforce Investment Act Title I adults and dislocated workers cannot be categorically denied enrollment into significant staff involved (intensive or training) services based on residency. [DWD guidance]
3. Workforce Investment Act Title I youth cannot be categorically denied enrollment into the "Ten Program Elements" based on residency. [DWD guidance]
4. Trade Adjustment Act workers cannot be categorically denied allowable services under the Trade Adjustment Act based on residency. [DWD guidance]

C. Citizenship/Ability to Work in the United States

The Department of Workforce Development's policy on providing services to individuals agrees and expands upon the instruction from the United States Department of Labor: the Indiana workforce investment system should not knowingly refer anyone to employment, enroll anyone into Significant Staff Involved Services (intensive and/or training-tier services) and/or training funded by the Trade Adjustment Act who is not eligible to be legally employed in the United States.

The U. S. Department of Labor believes that Section 188(a)(5) of the Workforce Investment Act does not create a requirement of "citizenship" for participation in programs funded under Title I of the Workforce Investment Act. Neither does the Workforce Investment Act require verification of an individual's eligibility to be legally employed. In addition, they believe that Section 188(a)(5) means that states and local areas cannot discriminate against citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States. It does not mean that the Workforce Investment Act forbids states and local areas from serving such individuals. At the same, the Workforce Investment Act does not require that states and local areas serve individuals outside these categories. States and/or local areas need to develop a policy on whether and to what extent they will serve these individuals.

In developing this policy, state and/or local areas need to consider, among other things, the extent to which limited training resources should be used to serve workers who may not be able to produce the documentation required by law for employment. States and/or local areas also need to take into account the department's position on the use of Wagner-Peyser Act funds to serve those individuals not eligible to be legally employed in the United States.

The Department of Labor stated in the preamble to the Wagner-Peyser regulations that "it does not believe that the federal government should require the state agencies to be the guarantors of the employability of persons referred to employers." The Department of Labor has not issued guidance on whether an individual not eligible to be legally employed in the United States should have access to Wagner-Peyser Act-funded services. However, the Department of Labor believes states should not knowingly refer anyone to employment who is not eligible to be legally employed in the United States.

Attached are two documents:

Attachment 1: Inclusions and Exclusions for Determining Family Income

Attachment 2: Integrated Application Eligibility Checklist

Inclusions and Exclusions for Determining Family Income

Included in Family Income

- Any money, wages, and salaries before deductions (payments for work performed, where there is an employer/employee relationship, would be considered “wages” and therefore, included as income for WIA eligibility purposes.)
- Net receipts from non-farm self-employment (receipts from a person’s own unincorporated business, professional enterprise, or partnership after deductions for business expense.)
- Net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses.)
- Regular payments from railroad retirement, strike benefits from union funds, worker’s compensation, and training stipends.
- Alimony
- Military family allotments or other regular support from an absent family member or someone not living in the household, but not child support.
- Pensions whether private or government employee (including military retirement pay)
- Regular insurance or annuity payments.
- College or university grants (excluding Pell grants), fellowships, and assistantships.
- Dividends, interest, net rental income, net royalties, periodic receipts from estates or trusts.
- Net gambling or lottery winnings.
- Social Security Disability (SSDI) Insurance payments (Title II of the Social Security Act, Federal Old-Age, Survivors and Disability Insurance.)

Not Included in Family Income

- Regular payments from Old-Age, Survivors, and Disability Insurance (OASI) benefits received under Section 202 of the Social Security Act.
- State and federal Unemployment Insurance compensation.
- Supplemental Security Income Insurance (SSI), Title XVI of the Social Security Act, for the Aged, Blind, and Disabled.
- Needs-based scholarship assistance.
- Financial assistance under Title IV of the Higher Education Act (Pell Grants, Federal Supplemental Educational Opportunity Grants and Federal Work Study, PLUS, Stafford and Perkins loans) are debt and not income.
- Child support payments.

Not Included in Family Income (continued)

- Cash welfare payments under a Federal, State or local income based public assistance program (e.g., Temporary Assistance for Needy Families (TANF), Emergency Assistance)
- Refugee Assistance (Refugee Assistance Act of 1980)(PL 97-212)
- General Assistance (Trustee Assistance) – does not include vouchers issued by the Township Trustee.
- Foster care payments.
- Non-cash benefits such as employer-paid fringe benefits, food or housing received in lieu of wages, Medicare, Medicaid, food stamps, school meals and housing assistance.
- Cash payments received under Title V of the Older American's Act.
- Allowances, earnings, and payments made to individuals participating in WIA programs or any other workforce development program for which eligibility is based upon a needs and/or income test.
- HUD rental assistance subsidies.
- Subsidies for child care made on behalf of a family participating in the child care voucher program administered by the Step Ahead Council.
- Certain one-time lump sum payments, assets from sale of home, property, or car; insurance settlement, inheritance, compensation for injury, etc.
- Capital gains and losses.
- Income earned while a veteran was on active duty and certain other veterans' benefits, i.e., compensation for service-connected disability, family compensation for service-connected death, vocational rehabilitation, and education assistance.
- Tax refunds, gifts, loans, IRA withdrawals.
- Job Corps payments.

Integrated Application Eligibility Checklist

Workforce Investment Act Adult, Dislocated Worker, and Youth		
Eligibility Criteria	Acceptable Documentation	Documentation Provided
Citizen/Eligible to Work	<ol style="list-style-type: none"> 1. Birth Certificate 2. Alien Registration Card [INS Forms I-151, I-551, and I-94, I-688A., I-197, I-179] Alien Registration Card [INS Forms I-151, I-551, and I-94, I-688A., I-197, I-179] 3. U. S. Passport 4. Same documents as accepted by INS to complete the I-9-like form locally designed 5. Public assistance records 6. DD-214, Report of Transfer or Discharge (If place of birth is shown) 7. Food Stamp records 8. Foreign Passport stamped "Eligible to Work." 9. Hospital record of birth 10. Native American tribal document 11. Naturalization Certification 12. Baptismal Record with place of birth 13. Department of Correction record which indicated citizenship. 	
Selective Service	<ol style="list-style-type: none"> 1. Acknowledgement letter 2. Contact the Selective Service at 708/688-6888 or through the web site. 3. DD-214, Report of Transfer or Discharge 4. Local/State registration process 5. Selective Service Advisory Opinion Letter 6. Selective Service Registration Card 7. Selective Service Registration Record (form 3A) 8. Selective Service Verification Form 9. Stamped Post Office Receipt of Registration 	
Social Security Number	<ol style="list-style-type: none"> 1. DD-214, Report of Transfer or Discharge 2. Unemployment Insurance wage records 3. Employment records 4. IRS form Letter 1722 5. Letter from Social Services agency 6. Pay stub 7. Social Security benefits 8. Social Security card 9. W-2 form 10. Self-Verification 	
Birth Date/Age (Required only for WIA Adult and Youth)	<ol style="list-style-type: none"> 1. Baptismal record 2. Birth Certificate 3. DD-214, Report of Transfer or Discharge 4. Driver's License 5. Federal, State or Local government identification card 6. Hospital record of birth 7. Passport 8. Public assistance/Social service records 9. School records/identification card 10. Work Permit 11. Cross match with Department of Vital Statistics 12. Tribal records 	

Workforce Investment Act Dislocated Worker Services		
Eligibility Criteria	Acceptable Documentation	Documentation Provided
A.1. Has been terminated or laid off, or has received a notice of termination or layoff from employment; AND	1. Documentation from employer, including telephone verification of employment and layoff status 2. Unemployment Insurance records	
A.2. Is eligible for or must have exhausted entitlement or unemployment compensation; OR	1. Individual Unemployment Insurance records 2. Profiled client/referral form	
A.2. Has been employed for a sufficient duration to demonstrate attachment to the work force, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that was not covered under a state unemployment compensation law; AND	1. Pay stubs 2. Letter from company 3. Notice of Ineligibility from Unemployment Insurance records 4. W-2 records 5. Tax returns	
A.3. Is unlikely that the individual will return to his/her previous industry or occupation.	1. Is determined in local policy (need documentation in the file so indicating)	
B.1. Has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at a plant, facility, or enterprise; OR	1. Letter from company (must list client) 2. WARN Notice with recent pay stub 3. Documentation from employer, including telephone verification of employment and layoff status 4. Unemployment Insurance records	
B.2. Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; OR	1. Letter from company 2. Newspaper article with recent pay stub 3. WARN Notice with recent pay stub 4. Documentation from employer, including telephone verification of employment and layoff status 5. Unemployment Insurance records	
B.3. for purposes of eligibility to receive services other than training services described in Section 134(d)(4), intensive services described in Section 134(d)(3), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close.	1. Letter from company 2. Newspaper article with recent pay stub 3. WARN Notice with recent pay stub	
C. Self Employed Status	1. Records of business closure 2. Tax returns 3. Business license 4. News article on the state of the local economy or natural disaster	
D. Displaced Homemaker	1. Public assistance records 2. Court records 3. Death notice and/or certificate 4. Divorce papers 5. Bank records 6. Spouse's layoff notice 7. Spouse's death record 8. Self-Verification	

Workforce Investment Act Adult and Youth		
Eligibility Criteria	Acceptable Documentation	Documentation Provided
Individual status/Family size (Needed when related to priority of service and/or program eligibility)	<ol style="list-style-type: none"> 1. Birth Certificate 2. Decree of court 3. Disabled (See Individuals with disabilities) 4. Divorce decree 5. Landlord statement 6. Lease 7. Marriage certificate 8. Medical card 9. Most recent tax return supported by IRS documents (e.g., form letter 1722) 10. Public assistance records 11. Social service agency records 12. Public housing records (if resident of or on waiting list) 13. Written statement from public supported 24-hour facility or institution (e.g., mental hospital, prison) 14. Self-Verification 	
Cash public assistance (Needed when related to priority of service and/or program eligibility)	<ol style="list-style-type: none"> 1. Copy of Authorization to Receive cash public assistance 2. Copy of public assistance check 3. Medical card showing cash grant status 4. Public assistance identification card showing cash grant status 5. Public assistance records/printout 6. Refugee Assistance records 	
Income (Needed for each family member) (Needed when related to priority of service and/or Program eligibility)	<ol style="list-style-type: none"> 1. Alimony agreement 2. Award letter from Veterans' Administration 3. Bank statement (direct deposit) 4. Compensation award letter 5. Court award letter 6. Employer statement/contact 7. Family or business financial records 8. Public Housing Authority verification (if resident of or on waiting list) 9. Pay stubs 10. Pension statements 11. Quarterly estimated tax for self-employed persons (Schedule C) 12. Social Security benefits record 13. Unemployment Insurance documents and/or printout 14. Public assistance records 15. Self-Verification 	

Workforce Investment Act Adult and Youth (continued)		
Eligibility Criteria	Acceptable Documentation	
Food Stamps (Needed when related to priority of service and/or program eligibility)	<ol style="list-style-type: none"> 1. Authorization to receive food stamps 2. Food Stamp card with current date 3. Food Stamp receipt 4. Statement from public assistance agency 5. Postmarked Food Stamp mailer with applicable name and address 6. Public assistance records/printout 	
Homeless/Runaway (Needed when related to priority of service and/or program eligibility)	<ol style="list-style-type: none"> 1. Written statement from Social Service agency 2. Written statement from an individual providing temporary residence 3. Written statement from shelter 4. Self-Verification 	
Foster Child (Needed when related to priority of service and/or program eligibility)	<ol style="list-style-type: none"> 1. Court records/documentation 2. Court contact 3. Medical card 4. Verification of payments made on behalf of the child 5. Written statement from state/local agency 	
Disability (Needed when related to priority of service and/or program eligibility)	<ol style="list-style-type: none"> 1. Letter from Drug or Alcohol Rehabilitation agency 2. Medical records 3. Observable condition with self-verification 4. Physician's Statement 5. Psychiatrist's Diagnosis 6. Rehabilitation evaluation 7. Sheltered workshop certification 8. Social Security Administration Disability records 9. Social service records/referral 10. Veterans Administration letter/records 11. Vocational Rehabilitation letter/statement 12. Worker's compensation records/statement 13. Self-Verification 	

Workforce Investment Act Youth		
Eligibility Criteria	Acceptable Documentation	Documentation Provided
Basic literacy skills deficient	1. Standardized test 2. School records 3. Case notes	
School dropout	1. Written statement from school 2. Self-Verification	
Homeless/Runaway	1. Written statement from an individual providing temporary residence 2. Written statement from shelter 3. Written statement from social service agency 4. Self-Verification	
Foster Child	1. Court contact 2. Court documentation 3. Case notes 4. Written statement from state/local agency	
Pregnant or Parenting	1. Birth certificate 2. Baptismal record 3. Observation 4. Physician's note confirming pregnancy 5. Self-Verification	
Offender	1. Court documents 2. Halfway house resident 3. Letter of Parole 4. Letter from Probation Officer 5. Police records 6. Self-Verification	
"Requires additional assistance to complete an educational program or to secure and hold employment"	1. Documentation as appropriate to verify criteria used.	
School dropout	1. School statement/record 2. Self-Verification	
"One or more grade levels below the grade level appropriate to the individual's age"	1. School statement 2. Report card 3. School records	
Disabled	1. Letter from drug or alcohol rehabilitation agency 2. Medical records 3. Observable condition with self-verification 4. Physician's statement 5. Psychiatrist's diagnosis 6. Rehabilitation evaluation 7. Sheltered workshop certification 8. Social Security Administration disability records 9. Social service records/referral 10. Veterans Administration letter/records 11. Vocational Rehabilitation letter 12. Workers Compensation records	
"Face serious barriers to employment as identified by the local board"	1. Documentation as appropriate to verify criteria used.	

Workforce Investment Act Adults and Dislocated Workers		
Eligibility Criteria	Acceptable Documentation	Documentation Provided
Significant Staff Involved – Intensive Services:		
A.1. Be unemployed; AND	1. Case Notes	
A.1. Received at least one core service and have been unable to obtain employment through core services; AND	1. Case Notes	
A.1. Determined by the Regional Operator to be in need of more intensive services in order to obtain employment; OR	1. Case Notes	
B.1. Be employed; AND	1. Case Notes	
B.1. Received at least one core service; AND	1. Case Notes	
B.1. Be in need of intensive services in order to obtain employment or retain employment according to the criteria for self-sufficiency as determined by the Regional Operator.	1. Case Notes	
Significant Staff Involved – Training Services:		
A.1. Have met the eligibility requirements for intensive services; AND	1. Case notes	
A.1. Have received at least one intensive service, and have been determined to be unable to obtain or retain employment through such services; AND	1. Case notes	
A.1. After an interview, evaluation, or assessment, and case management, have been determined by the Regional Operator or WorkOne partner, as appropriate, to be in need of training services and to have the skills and qualifications to successfully participate in the selected program of training services; AND	1. Case notes	
A.1. Select a program of training services that is directly linked to the employment opportunities either in the local area involved or in another area to which the individual is willing to relocate; AND	1. Case notes	

Workforce Investment Act Adults and Dislocated Workers (continued)		
Significant Staff Involved – Training Services (continued):		
Eligibility Criteria	Acceptable Documentation	Documentation Provided
A.1. Be unable to obtain grant assistance from other sources to pay the costs of such training, including such sources as Welfare-to-Work, state-funded training funds, Trade Adjustment Assistance and federal Pell Grants established under title IV of the Higher Education Act of 1965, or require WIA assistance in addition to other sources of grant assistance, including federal Pell Grants (provisions relating to fund coordination are found at 20 CFR Part 663.320 and WIA Section 134(d)(4)(B)); AND	1. Case notes	
A.1.For individuals whose services are provided through the adult funding stream, are determined eligible in accordance with the state and local priority system, if any, in effect for adults under WIA Section 134(d)(4)(E) and 20 CFR Part 663.600 (WIA Section 134(d)(4)(A).)	1. Case notes	

Trade Adjustment Act		
Eligibility Criteria	Acceptable Documentation	Documentation Provided
Most recent qualifying separation	<ol style="list-style-type: none"> 1. Layoff lists or rapid response list 2. Determination of Eligibility form 3. Notice of termination 4. Letter from employer 	
Date of application	<ol style="list-style-type: none"> 1. Application in case file 2. TrackOne printout 3. WIA registration form 4. Designation on Eligibility form 	
Petition number	<ol style="list-style-type: none"> 1. Worker group certification in case file 2. TrackOne printout 3. Unemployment Insurance records 4. DOL/ETA website 5. Determination of Eligibility form 	
Training (six criteria) (If provided)	<ol style="list-style-type: none"> 1. Assessment results 2. Individual Employment Plan 3. Case notes 	
Job search (If provided)	<ol style="list-style-type: none"> 1. Labor market information 2. Occupational projections 3. Job search work completed by applicant 	
Relocation (If provided)	<ol style="list-style-type: none"> 1. Letter of intent to employ from an employer 2. Labor market information 3. Occupational projections 4. Job search work completed by applicant 	
Trade Readjustment Allowances (TRA) (If provided)	<ol style="list-style-type: none"> 1. State UI records of TRA checks issued 2. Request for allowance 	